



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during November 2015
DISTRIBUTED: December 7, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Heather Parent at (207) 287-7830 or heather.parent@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land and Water:

Roberta A. Aceto, Inc., Buxton, Maine. Roberta A. Aceto, Inc. ("Aceto") violated Maine's *Natural Resources Protection Act*, *Protection and Improvement of Waters* law, *Site Location of Development* law and Department Order #L-22702-26-F-B by failing to follow plans, which were submitted "after the fact" and approved by the department, failing to construct two under-drained soil filters, disturbing an area larger than permitted, disturbing soil and removing vegetation in a buffer area, failing to permanently mark the stormwater buffer, failing to record a deed restriction for the stormwater buffer, for discharging a pollutant, namely soil, to waters of the State without first obtaining a permit and by conducting or causing an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment. To resolve the violations, Aceto agreed to comply with the after-the-fact application #L-22702-26-G-B, should it be approved, or submit a restoration plan to restore all unapproved developed areas to their original condition or as near as practicable. In addition, Aceto agrees to pay the State of Maine \$5,735.00 as a civil monetary penalty as well as \$100.00 for each day per violation for the violation of any provision of its agreement, upon Department demand.

Water:

J & D McCrum Farm, Mars Hill, Maine. J & D McCrum Farm ("McCrum") violated Maine's *Protection and Improvement of Waters* law and its Department issued Waste Discharge License ("WDL") limits by discharging pollutants to waters of the State without first obtaining a license and by causing an unnamed tributary of the Prestile Stream to fail to meet Class B standards due to fungal overgrowth of the stream habitat. McCrum allowed discharge of wastewater from the J & D McCrum Farm facility to a roadside ditch, which was ponding and then flowing down a roadside ditch to a tributary of the Prestile Stream. The discharge included malodorous waters causing extensive fungal growth. Following Department involvement, McCrum cleaned up the ponded area along the roadside and the roadside ditch line, plugged the drain that previously allowed for discharging of polluted water and constructed a new concrete holding tank/pump



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system to convey the waste waters to a licensed lagoon system. To resolve the violations McCrum agreed to pay a civil monetary penalty of \$1,000.00 to the State of Maine and \$4,000.00 to the Northern Maine Development Commission for the purpose of funding the Sweet Grass Pilot Wetland Enhancement Project, in Houlton and Littleton, Maine.

Oil and Solid Waste:

Dead River Company, Millinocket, Maine. Dead River Company violated the *Oil Storage Facilities and Ground Water Protection Law* and the Department's *Rules for Underground Oil Storage Facilities*, by failing to remove two tanks and continuing their operation after they exceeded the Manufacturer's warranty. Failing to take the underground oil storage facility out of service and properly remove them within 60 days were violations of the *Oil Storage Facilities and Groundwater Protection Law* and the *Department UST Rules*. To resolve the violations, Dead River Company agreed to take tanks used for storage of motor fuels or product for marketing and distribution promptly out of service upon expiration of their manufacturer's warranties, and abandon them, in accordance with the *Oil Storage Facilities and Groundwater Protection Law* and the *Department UST Rules*. In addition, Dead River Company agreed to pay \$10,000.00, as a civil monetary penalty, to the State of Maine's Ground Water Oil Clean-Up Fund.

District Court Enforcement Resolutions (party followed by location):

Land:

Matthew B. Campbell and Jennifer L. Grenier, Lyman, Maine. Mathew B Campbell and Jennifer L. Grenier are owners of property located in Lyman, Maine, in which they violated the *Natural Resources Protection Act* ("NRPA"), by displacing soil, placing fill and constructing permanent concrete structures near Wadleigh Pond without a NRPA permit. To resolve the violations, Matthew B. Campbell and Jennifer L. Grenier agreed to submit an after-the-fact application for NRPA permit for the restoration of the designated removal areas by removal of permanent concrete structures, return the area to its original conditions, or as near as practicable, regrade the slopes in the removal area, place jute erosion control matting on the slopes and plant native tree and shrub species. Matthew B. Campbell and Jennifer L. Grenier must also monitor and maintain revegetation efforts for two years so that the removal areas result in a permanent 90% vegetative cover. In addition, Matthew B. Campbell and Jennifer L. Grenier shall pay a civil monetary penalty of \$3,845.00, with \$1,922.50 suspended pending completion of all other provisions of the agreement with the Department.



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Oil and Solid Waste:

Apple Valley Development, LLC, Acton, Maine. Apple Valley Development, LLC (“Apple Valley”) violated Maine’s *Oil Storage Facilities and Ground Water Protection Law* and the Department’s *Rules for Underground Oil Storage Facilities*, by failing to remove two out of service tanks, together with their associated piping. These tanks were out of service under prior ownership of the property. To resolve the violations, Apple Valley agreed to properly abandon and remove the tanks and associated piping and submit a copy of the site assessment after their removal. In addition, Apple Valley agreed to pay \$2,460.00 to the State of Maine as a civil monetary penalty, \$2,460.00 of which is to be suspended pending successful completion of all other conditions and provision of the agreement with the Department.